

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SMILEY JAMES HARRIS  
a/k/a JAMES LaVELL HARRIS,

No. C 09-3168 SI (pr)

**ORDER**

Plaintiff,

v.

LAKE COUNTY JAIL; et al.,

Defendants.

Plaintiff's motion for default judgment of defendants Howe and Mitchell is DENIED. (Docket # 19.) The defendants now have filed an answer to the first amended complaint and are not in default.

Defendants Andrews, Stottsbery and Grisby (represented by attorneys from Trimble, Sherinian & Varanini) applied for an extension of time to file a dispositive motion and submitted a declaration from attorney Jerome Varanini in support of the application. Defendants Howe and Mitchell (represented by attorneys from Porter | Scott) separately applied for an extension of time to file a dispositive motion and submitted a declaration from attorney John Whitefleet in support of the application. Plaintiff opposed the applications. Upon due consideration of the matter, the court GRANTS the applications for extension of time to file dispositive motions. (Docket # 18, # 21.) The court now sets the following new briefing schedule for dispositive motions:

1           1.       Defendants must file and serve their dispositive motions no later than **October 25,**  
2 **2010.**

3           2.       Plaintiff must file and serve on defense counsel his opposition to the dispositive  
4 motions no later than **November 30, 2010.** Plaintiff is cautioned to read the notice and warning  
5 regarding summary judgment in the order of service as he prepares his opposition to any motion  
6 for summary judgment.


7           3.       Defendants must file and serve their reply briefs (if any) no later than **December**  
8 **17, 2010.**

9           Plaintiff is cautioned that he must send to each defense counsel a copy of any document  
10 he files in this action, regardless of whether his filing pertains to defendants represented by that  
11 counsel.

12           One of plaintiff's recent mailings came in an envelope marked with the word "franked"  
13 written on the upper right corner of the envelope where the postage should have been affixed.  
14 That apparently caused the postage due to be charged to the court. For all future filings, plaintiff  
15 must pay the postage for any document he mails to the court in this action and must not write  
16 the word "franked" on any envelope he sends to the court. See 39 U.S.C. § 3210 (franked mail).

17           IT IS SO ORDERED.

18           Dated: July 8, 2010

  
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SUSAN ILLSTON  
United States District Judge